

ORIGINAL INTERVENTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

JUN 10 2009

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IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY
FOR APPROVAL OF A DISTRIBUTIVE
ENERGY INITIATIVE: THE COMMUNITY
POWER PROJECT - FLAGSTAFF PILOT.

Docket No. E-01345A-09-0227

RUCO'S APPLICATION TO INTERVENE

I.

The RESIDENTIAL UTILITY CONSUMER OFFICE ("RUCO") hereby applies to the Arizona Corporation Commission ("Commission") for an Order granting it leave to intervene in the above-captioned proceeding.

II.

RUCO was established by the enactment of Arizona Revised Statutes, Section 40-461, *et seq.*, for the purpose of representing residential utility consumers in matters before the Commission concerning regulated public service corporations.

III.

Arizona Revised Statutes, Section 40-464.A.2., specifically provides that the Director of RUCO may do the following:

1 Prepare and present briefs, arguments, proposed rates or
2 orders and intervene or appear on behalf of residential utility
3 consumers before hearing officers and the Corporation
4 Commission as a party in interest and also participate as a
party in interest pursuant to Section 40-254 in proceedings
relating to rate making or rate design and involving public
service corporations.

5
6 IV.

7 The residential utility consumers will be directly and substantially affected by a
8 Decision or Order of the Commission in this matter; therefore, it is necessary and proper
9 that RUCO intervene in the proceeding. RUCO supports the Renewable Energy Standard
10 Implementation Plan ("RES"). RUCO has a direct interest in any project sponsored by a
11 utility in Arizona regulated by the Commission whose purpose it is to facilitate compliance
12 with the distributed renewable energy requirements of the RES Rules. Furthermore, the
13 sale of energy by a regulated utility to ratepayers through a distributed energy system is an
14 emerging concept in electric rate design. RUCO notes that this application has similar
15 implications to Docket No. E-20633A-08-0513 (In the Matter Of The Application Of The
16 Solar Alliance For A Declaratory Order That Providers Of Certain Solar Service
17 Agreements Would Not Be Public Service Corporations). RUCO was granted intervention
18 in that Docket. Residential ratepayers have an interest in the rates that would be charged,
19 and the use of RES surcharge revenue in implanting renewable energy projects. RUCO
20 intends to actively participate in the policy considerations raised by the Company's
21 application.
22 ---
23 ---
24

1 V.


2 In order to fulfill its statutory obligation to protect the residential utility consumers of
3 this State, RUCO must thoroughly examine the materials presented by the Company, and
4 must cross-examine witnesses appearing on behalf of the Company and any other parties.
5 Additionally, RUCO may present testimony and exhibits of its own in any hearings
6 conducted by the Commission in this matter.

7
8 VI.

9 The name, mailing address, and telephone number of the person upon whom
10 service of all documents is to be made is:

11 Daniel W. Pozefsky
12 Chief Counsel
13 Residential Utility Consumer Office
14 1110 West Washington, Suite 220
15 Phoenix, Arizona 85007
16 (602) 364-4839

17 RESPECTFULLY SUBMITTED this 10th day of June, 2009.

18 
19 Daniel W. Pozefsky
20 Chief Counsel

21 AN ORIGINAL AND THIRTEEN COPIES
22 of the foregoing filed this 10th day
23 of June, 2009 with:

24 Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

1 COPIES of the foregoing hand delivered/
2 mailed this 10th day of June, 2009 to:

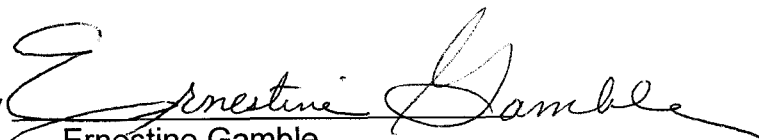
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By



Ernestine Gamble
Secretary to Daniel Pozefsky